REMARKS

The Office Action mailed December 31, 2003, considered claims 1-8, 10, 12 and 14-39. Claims 1-8 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyle (U.S. Patent No. 6,119,167)[1], which is newly cited art, while the remaining claims 12 and 14-39 have been allowed.

Claim 1, which is the only independent claim at issue, is directed to a method for enabling the synchronization of data between a message server and a message client. As claimed, the recited method includes making a change to message data, dividing the change into separate portions and sending a first notification to a message client, which includes the first portion of the change and a corresponding first token. Thereafter, upon receiving the first token back from the client, a second notification is sent to the client that includes at least a second portion of the change and at least a second corresponding token. If the first token is not received back from the client, then it is determined that the first portion of the change was not received, in which case both the first notification and the second notification are sent to the client.[2]

Accordingly, if the first portion of the change is received by the client, as indicated by the return of the token, then only the second portion of the change is sent to the client. However, if the first token is not returned, it is determined that the first portion of the change was not received, in which case the server resends the first portion of the change to the client along with the second portion.

Applicants respectfully submit that this claimed embodiment is not obvious in view of Boyle. While Boyle does disclose that a UPGateway (which is an intermediary between a sender and a recipient) can retransmit requests if a response is not received within a certain amount of time, as suggested by the Examiner, Boyle clearly fails to teach the claimed element that

> upon failing to receive the first token from the message client, determining that the message client did not receive the first portion of the change associated with the first notification and resending the first notification along with the second notification to the message client. (*emphasis added*)

---

[1] Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[2] Support for the amendments to claim 1 is found on page 9 of the specification. Certain portions of the amendment also correspond to elements that were deleted from claim 1 in the latest amendment, but which have been reintroduced by this paper because they add clarity to the claimed embodiment.

Page 13 of 15

Application No. 09/768,747
Amendment "C" dated June 1, 2004
Reply to Office Action mailed December 31, 2003

Accordingly, while Boyle teaches that 'a request can be retransmitted if a response has not been received within a certain amount of time,' (Col. 24, ll. 7-8) Boyle clearly fails to teach or suggest that the "request" comprises only one of two portions of a change to a message and that the second portion of the change is sent along with a retransmission of the first portion of the change when it is determined that the first portion of the change was not received, as claimed.

Boyle also fails to teach or suggest that a change to a message is divided into first and second portions that are sent to a client as part of first and second notifications along with corresponding tokens, and in the sequence recited in claim 1. In particular, Boyle fails to suggest that a second notification is only sent to the client upon receiving a first token back from the client that acknowledges receipt of the first notification.

Instead, Boyle merely suggests that two notifications that correspond to a message can be sent to a client. (Col. 6, line 66 thru Col. 7, line 5). Initially, it is unclear whether the first and second notifications of Boyle even comprise different parts of the same message because Boyle's 'other notification' is specified as containing a portion of a new header list, which corresponds to "all messages in the user's mailbox." (Col. 6, ll. 34-35; Col. 7, ll. 4-5). Nevertheless, even assuming, *arguendo*, that the two notifications disclosed in Boyle are analogous with the two notifications recited in the claims, Boyle still fails to disclose or suggest that the second notification is only sent upon receiving a first token back from the client corresponding to the first notification, as recited.

In fact, to the contrary, Boyle actually discloses some embodiments that explicitly teach away from the claimed embodiment. For example, Boyle states that "In some embodiments, the new message (or a portion thereof) and the new header (or its portion) are sent as multiple data decks in a single notification." (Col. 7, ll. 10-12). Accordingly, in this regard, only a single notification is sent.
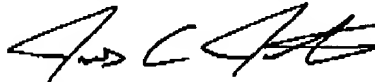
For at least these reasons, Applicants respectfully submit that all of the pending claims at issue (1-8, 10 and 40) are patentable over the art of record and should be allowed with claims 12 and 14-39.

Page 14 of 15

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this __1__ day of June 2004.

Respectfully submitted,

RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
Attorneys for Applicant

Customer No. 022913

RDN:JCJ:cm

CM0000003484V001